

REMARKS

Applicants have carefully reviewed the Office Action dated July 18, 2006. Applicants have amended Claims 1, 11, 19, 24 and 27 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1, 4, 5, 6, 9, 10, 14, 15, 17-19, 22 and 23 stand rejected under 35 U.S.C. § 102(a) as being anticipated by *Hartman*, U.S. Patent No. 5,960,411. This rejection is respectfully traversed with respect to the claims as presently presented.

The Examiner has made the following rejection with respect to the claims:

In regards to claims 1, 4, 5, 6, 9, 10, 14, 15, 17-29, 22 and 23, *Hartman* discloses all the features of the instant claims. For example, *Hartman* teaches sending an order form with information already inserted for viewing or changing and which has not been viewed by the user before receipt of the order form (FIG 1C);

The Examiner's rejection basically states that *Hartman* discloses "all features of the instant claims." The Examiner cites one example in that *Hartman* teaches sending an order form with information already inserted for viewing or changing which has not been viewed by the user before receipt of the order form. The Examiner specifically refers to Fig. 1C. Applicant believes that a review of the *Hartman* patent in detail will be of assistance to the Examiner in understanding Applicant's position with respect to this reference.

Hartman was faced with a problem that is described in the background of the invention. The portion of the background of the invention deals with this problem as set forth beginning at Column 2, Line 27 and extending to Column 2, Line 48. This portion of the specification is set out as follows:

Although the shopping cart model is very flexible and intuitive, it has a downside in that it requires many interactions by the purchaser. For example, the purchaser selects the various items from the electronic catalog, and then indicates that the selection is complete. The purchaser is then presented with an order Web page that prompts the purchaser for the purchaser-specific order information to complete the order. That Web page may be prefilled with information that was provided by the purchaser when placing another order. The information is then

validated by the server computer system, and the order is completed. Such an ordering model can be problematic for a couple of reasons. If a purchaser is ordering only one item, then the overhead of confirming the various steps of the ordering process and waiting for, viewing, and updating the purchaser-specific order information can be much more than the overhead of selecting the item itself. This overhead makes the purchase of a single item cumbersome. Also, with such an ordering model, each time an order is placed sensitive information is transmitted over the Internet. Each time the sensitive information is transmitted over the Internet, it is susceptible to being intercepted and decrypted.

Thus, it can be seen that the problem to be solved in *Hartman* was to more easily facilitate the placing of an order after selection of an item is complete with a reduced number of actions.

To facilitate the placing of an order, *Hartman* utilizes what is referred to as a “single-action ordering” technique. This is specifically illustrated with respect to Figures 1A-1C. This system begins in Figure 1A wherein a web page is sent from a server system to a client system when a purchaser requests a review of detailed information about the item. When this is sent, there is provided, in one example, a summary description Section (101), a shopping cart section (102), a single-action ordering section (103), and a detailed description section (104). Of course, any of these sections can be omitted or rearranged, as set forth in the specification. *Hartman* states that:

... In general, the purchaser need only be aware of the item or items to be ordered by the single-action and of the single-action needed to place the order. (Column 4, Lines 14-17.)

However, the single-action section is not necessarily provided in the web page presented to the user. This operation is set forth as follows:

The server system, however, only adds the single-action ordering section when single-action ordering is enabled for that purchaser at that client system. (Column 4, Lines 24-26.)

The purpose of this single-action ordering section is set forth specifically in Column 4, beginning at Line 31 as follows:

This example single-action ordering section allows the purchaser to specify with a single click of a mouse button to order the described item. Once the purchaser clicks the mouse button, the item is ordered, unless the purchaser then takes some action to modify the order.

Thus, if single-action ordering is enabled, the web page of Figure 1A is presented to the user. As can be seen from Figure 1A, there is provided a button (103a), a purchaser identification subsection (103c), and (103d). In the specification, the Section (103b) indicates, that the ID is associated with an individual at a home location. The subsection (103d) provides another location to learn more about the single-action ordering operation. However, other than the single-action ordering button (103a), the information that is provided with that button to the user is set forth with the following restrictions:

... To reduce the chances of sensitive information being intercepted, the server system sends only enough information so that the purchaser is confident that the server system correctly identified the purchaser but yet not enough information to be useful to an unscrupulous interceptor. (Column 4, Lines 41-46.)

The purpose of this additional information is to allow the purchaser to obtain various settings or obtain more information related to the single-action ordering. For example, if the purchaser wanted to verify the shipping address, the purchaser could select the hyperlink at information locating (103c). This is referred to as a "label" in the Spec. This might route the user to some type of login page to identify the purchaser. The purpose of this is so that sensitive information such as a shipping address is not sent just by accessing the web page.

When a user selects the single-action ordering button, the steps that follow are set forth beginning at Column 4, Line 59. Initially, the client system sends a message to the server system requesting that the displayed item be ordered. The server system then provides the client system (not the user specifically) a new web page confirming receipt of the single-action order. This is illustrated in Figure 1B. As such, the purpose of this operation is that the user can select the button (103a) resulting in completion of the order, i.e., the selected item by the user is first associated with web pages of Figure 1A and then will be purchased, i.e., some type of financial transfer of funds made, and then the product shipped to a pre-stored shipping address.

In order for single-action ordering to be enabled, the server system must have stored therein sufficient purchaser-specific order information for the client system to complete a single-action order (Column 5, Lines 17-20). If sufficient information is not present, then a web page is sent to the user to collect additional information that is needed. The server system may even require a purchaser to log in such that the identity of the purchaser can be verified before single-action ordering is enabled.

To facilitate purchaser-specific ordering via the single-action order system, customer information must be pre-stored that includes purchaser-specific order information. This information is such as the name of the customer, billing information, shipping information. (Column 6, Lines 1-4.) There is also provided in the system a client identifier/customer table (212), set forth in Figure 2. The description and use of this identifier is set forth as follows:

The client identifier/customer table 212 contains a mapping from each client identifier, which is a globally unique identifier that uniquely identifies a client system, to the customer last associated with that client system. The client system 220 contains a browser and its assigned client identifier. The client identifier is stored in a file, referred to as a "cookie." In one embodiment, the server system assigns and sends the client identifier to the client system once when the client system first interacts with the server system. From then on, the client system includes its client identifier with all messages sent to the server system so that the server system can identify the source of the message. The server and client systems interact by exchanging information via communications link 230, which may include transmission over the Internet. (Column 6, Lines 7-21.)

It can be seen from this section that first, the customer is not necessarily identified; rather, what is identified is the client system. This is facilitated with the now well-known "cookie" concept wherein a code is disposed on a user's computer that can be retrieved whenever a connection is made to a particular server. For example, initial access to the home page of a particular vendor can result in that vendor's system accessing the user's computer and retrieving the cookie therefrom. This cookie has sufficient information that can be utilized by the vendor location server to map to a particular profile for that user. This may be as simple as a name, but it could contain other information that was placed in the vendor location server at the time of initial

setup. Thus, there must be some type of pre-stored profile of such at the vendor location server. Once the cookie is determined and a match or relational link exists at the server, this person is considered “logged in.” At this point, however, the user has done nothing more than make a connection and, unknown to the user, the cookie has alleviated the requirement that the user log in to access various features of a particular system. One problem with this type of system is that the particular user does not have the ability to actually log in or take an action of inputting verification data, i.e., user name and password; rather, anyone who accesses this web page or web site on a particular physical system or client device will identify that system as associated with that user even though the user is not that identified at the server. Thus, it is the computer that transmits the identifier and not the user.

With respect to the claims and this 35 U.S.C. § 102(e), a 102(e) rejection requires that each element or step of the claim be described in that document, such that the disclosure within the four corners of that document anticipate such invention.

MPEP §2131 specifies that:

A claim is anticipated if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

The Examiner has stated that the *Hartman* reference disclosed “all the features” of the claims. Thus, if one or more of the features, i.e., elements or steps, is not disclosed, then *Hartman* does not constitute an anticipatory reference.

The first step of the claim requires that profile information be entered into a profile form at a user location disposed on the network prior to conduction of the on-line transaction between the user and the vendor. In Figure 3, and in the description associated therewith beginning at Column 6, Line 39, there is depicted the routine for enabling single-action ordering for a customer. This is facilitated if a customer desires to have single-action ordering as an option.

One method to facilitate this is for the server to prompt the customer through a web page for the purchaser-specific order information. Another way to achieve this is to basically save purchaser-specific order information that is collected when an order is placed in a conventional manner and, with a customer's consent enable the single-action ordering. The question is how does the client system become associated with the purchaser-specific information? Although this is not described in detail, what is described is that a "cookie" is utilized. In these type of systems, what occurs is that a server system, upon recognizing a request for a connection, will first look to see if the cookie exists on the client system and, if not, it will then place a cookie on that client system. In the event that there was no prior cookie disposed in the client system, what will occur is that a login page will typically be presented to a user. If a user has a login address, it will require the user to login. Once logged in, then the cookie on the user system will be associated with that particular user (assuming a prior purchaser-specific order information stored at the server). Alternatively, the cookie that is already associated with a user's purchaser-specific order information (assuming such is the case), that cookie can be placed on the user's computer. In any event, there will be some kind of relational link between a cookie on one or more client devices and that user's purchaser-specific order information. Therefore, there can be provided multiple cookies on multiple client devices that, when accessed, will be recognized by the server as belonging to that user, even though that user has not input that cookie or acquiesced to the use of the cookie or is even actually operating that client device. It is merely the turning on of a client system that allows the cookie to be transferred. This fact is recognized by *Hartman* in a statement beginning at Column 6, Line 67 to Column 7, Line 3, wherein it is stated that a purchaser might not want to allow the enablement of a single-action ordering in the event that a possibility exists for someone else utilizing that client's system. There is no disclosure in *Hartman* that in any way makes the cookie unique to a particular user but, rather, it is unique to a particular client system. Thus, from the standpoint of the first step of the process, *Hartman* does provide the ability to enter profile information of the user into a system but, there is no indication that this is input to a profile form. The only disclosure is that the user enters information in response to prompts. Thus, the statement that the profile information is entered into a "profile form" at the user location is not clearly taught by *Hartman*.

In the second step of the claim, there is the step of issuing to “the user” a unique code that represents the stored profile information. As noted hereinabove, in *Hartman*, a cookie is disposed on the user’s computer. This cookie is unique, as the server must recognize this cookie and its association in some database on the server with respect to some purchaser-specific information. However, since this is a cookie system, there is no requirement that this be issued to the user; rather, it is issued to a client system and any user utilizing that system can gain access to the information. As such, the cookie is not issued to the user but, rather, it is issued to the client device which the user is using at that time. Further, Applicant believes that, although not disclosed in any detail, this cookie could be disposed on many computers at the same time or multiple cookies could be disposed on different client devices. In any event, this cookie is not issued to the user but, rather, to the client device. Further, the unique code is not issued in response to transmitting of the profile form; rather, it is issued to the client device as a result of logging in to the server. Further, Applicant believes that the cookie is disposed on the computer prior to the association being made. As such, Applicant believes that *Hartman* does not anticipate the concept of issuing to a user a unique code in response to transmission of the profile form. Further, Applicant believes that this particular cookie is only unique as long as the relational link is disposed within the server. If, for example, another user utilizes that client device and connects to the vendor’s web site, it is believed that what would happen would be some type of prompt asking if the user is that particular user. Typically, this is of the type of prompt such as “Welcome John Doe, if you are not this person, please log in with your correct name.” If another user is on the system and enters their log in, the cookie may not be changed but, rather, a relational link is changed. In any event, *Hartman* still does not meet the limitations of this step of the claim.

The next step of a claim requires that, after the user has selected a particular product, the unique code is then provided to the vendor location during the on-line transaction. As such, the user has already selected the product and then, upon desiring to purchase the product, the user transmits or provides the code to the vendor location. In *Hartman*, the code, i.e., the cookie, is

provided to the vendor location upon the client device accessing the web site. There need be no selection or no on-line transaction initiated or even entered into or begun when this unique code is sent to the vendor location. Therefore, Applicant believes that the step of providing to the vendor location the unique code during the on-line transaction does not occur, as the unique code in *Hartman* must be transmitted before a web page is even transmitted to the user. Additionally, with respect to this step of a claim, the on-line transaction is one that requires a user to view a vendor payment form at the user location that represents the information about the transaction, and which payment form has information associated therewith that the viewer “must” view prior to completion of the on-line transaction. The Examiner has referred to Figure 1C with respect to this as support for his rejection. However, Figure 1C is a web page that is returned after *completion* of the on-line transaction. Thus, this form cannot be viewed prior to the completion of the on-line transaction. As such, clearly *Hartman* does not anticipate such step as it discloses and suggests an entirely different sequence or event.

The next step of the claim requires that the stored profile information be provided to the vendor location from a second location upon receiving and processing the unique code. In this system, all of the profile information is contained at the server and, thus, there is no requirement to go through a second location. Further, the profile information is not provided “in response to” the processing of the unique code. As noted hereinabove, the unique code has been processed as a function of access to the web site. Thus, Applicant believes that the *Hartman* reference does not anticipate or suggest the step of providing the stored profile information to the vendor location in response to the receiving and processing of the unique code.

In the last step, at least a portion of the stored profile information is inserted into the vendor payment form in respective fields. The only place that there is any remote suggestion of such an action is with respect to the original form that was sent to the user, as set forth in Figure 1A. In this section, section (103), there is provided a button for the transaction and, in addition thereto, other information such as address information, links to express ordering, etc. Of the information, the only information that is noted is the name of the user in position (103b).

However, the requirement of this step is that, when the user receives the form (noting that this is not a payment form but, rather, an information page) for viewing after insertion, there is a requirement that this insertion follow the steps of selecting a product and then forwarding a unique code to the server for the purpose of initiating the on-line transaction, i.e., purchasing the product, and then a form sent back to the user already filled in. The information is inserted into the web page with the description of the product in *Hartman* prior to the user deciding to select that particular product. In Applicant's present method, the present inventive concept, as defined by the amended claims, requires the selection to have already been made, and the providing of the unique code is performed during the on-line transaction.

Claim 1 and Claim 14, which is basically the corresponding system claim to Claim 1, both require that there be a selection step and then the step of providing the unique code during the on-line transaction to cause a form to be populated and then returned to the user. *Hartman* provides the code before any on-line transaction is initiated and then provides a populated information sheet on selection of a button merely for the purpose of reading the description of that product. This is a distinct difference of steps between the claims as amended and *Hartman*. As such, *Hartman* does not anticipate or obviate Applicant's present inventive concept, as defined by the amended claims. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection with respect to Claims 1, 4, 5, 6, 9, 10, 14, 15, 17-19, 22 and 23.

Claims 3, 7, 8, 13, 16, 20, 21 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable to *Hartman* in view of *Rhoads*. This rejection is respectfully traversed with respect to the amended claims.

In the rejection, the Examiner basically states that "the combination of *Hartman/Rhoads* teaches the instant claims" with no further discussion of exactly how the Examiner is applying both of these references to the claims. As noted hereinabove, Applicant believes that the *Hartman* reference does not disclose a number of elements or steps in the claims and, as such, *Rhoads* is not sufficient to cure those deficiencies.

With respect to Claims 3 and 16, these claims are directed toward the profile form being transmitted to the second location over a public switch telephone network. All that *Rhoads* teaches is, with respect to Column 3, Lines 45-55, a list can be printed either at home or at the grocery and then the user walks the grocery aisles and purchases these groceries in a conventional manner. In another embodiment, a list is sent via the internet or telephone for use by the grocer. However, there is no profile form that is disclosed as being sent in *Hartman*; rather, all *Hartman* does is prompt the user for information to populate a particular profile. As such, Applicant believes that the combination of *Hartman* and *Rhoads* does not anticipate the aspect of transmitting a profile form to the second location in combination with all of the other steps/elements..

With respect to Claims 7, 8, 20 and 21, these claims are directed toward the aspect that all the profile information be inserted into the vendor payment or only a portion of the profile information be entered into the profile form in an encoded form. The Examiner refers to *Rhoads*, Column 10, Lines 1-8 for support of this portion of the rejection. The cryptology that is utilized to enter information in an encoded fashion does not appear to be anticipated by this portion of the specification, as all this says is that the data utilizes encryption. However, the population of the form is not disclosed as being done in an encrypted manner, which population is to be viewed by the user. Thus, Applicant believes that Claims 7, 8, 20 and 21 are not obviated by the combination of *Hartman* and *Rhoads*.

With respect to Claims 13 and 26, the Examiner indicates that the combination of *Hartman* and *Rhoads* teaches that the unique code is placed on a credit card. The Examiner refers to *Rhoads*, Column 1, Lines 35-40. This portion describes the “BEDOOP” code which is a sound. This portion describes that a credit card, the user’s credit card, is placed in front of the desktop camera and a sound emits. In general, this invention utilizes a digital code that is hidden on an object and placed in front of the camera to extract this information. Thus, it could be that the profile information is actually coded thereon. However, this is nothing more than a code that

is given to a user. There is no suggestion or motivation for a cookie to be disposed in a card that a user would have. First, in *Hartman*, there is no disclosure that the user has a code; rather, the server actually creates the code, possesses the code, and then stores it on the computer. This is not unique to a user but, rather, it is only unique to a particular client device and, through the relational link with the database, to that user's purchaser-specific order information. Since the user need not enter the information, there is no reason for the user to have such. As such, *Rhoads* does not appear to be a proper combination for this aspect of the invention.

In view of the above, Applicant believes that the combination of *Hartman* and *Rhoads* does not anticipate or obviate Applicant's present inventive concept, as defined by the amended claims. Therefore, Applicant respectfully requests that the filing of 35 U.S.C. § 103 rejection with respect to Claims 3, 7, 8, 13, 16, 20, 21 and 26.

Claims 11, 12, 24, 25 and 27 are rejected in view of *Hartman* and Official Notice. This rejection is respectfully traversed.

Claim 11 requires that the second location (which is not described in *Hartman*) is a simple registration server. This server has a database of unique codes and unique ID numbers. Claim 11 has been amended to depend from Claim 5, as the unique ID numbers were disclosed in Claim 5. In *Hartman*, cookies are utilized. *Hartman* discloses only that the database associated with the cookies is disposed at the server and there is no discussion or suggestion that the cookies would be disposed elsewhere. Claim 1 requires that the profile information be provided from a second location to the vendor location, i.e., two different locations. There is no reason noted in *Hartman* why a cookie, i.e., code, would be disposed anywhere other than on the server. As such, Applicant believes that the *Rhoads* reference does not cure this deficiency. With respect to Claim 12, this being dependent on Claim 11, suffers the same deficiency with respect to that disclosed with respect to Claim 11. Claims 24 and 25, the same arguments are applicable with reference to Claims 11 and 12, noting that Claim 24 has been amended to depend from Claim 19. Claim 27 is similar with respect to the second location, and has also been

amended to depend from Claim 19. Therefore, Applicant believes that claims 11, 12, 24, 25 and 27 are not unpatentable in view of the combination of *Hartman* in view of Official Notice. As noted, *Hartman* does not in any way suggest that a second location would be utilized. To do such, would unduly complicate the system of *Hartman*, as the cookie database is typically located locally. Therefore, Applicant believes that the official notice is not proper to cure the deficiency in *Hartman*, i.e., that *Hartman* does not disclose the second location nor does the combination of *Hartman* and *Rhoads* cure this deficiency. Merely to state that disclosure in one document stating that the location is local does not automatically suggest that the location could be stored anywhere. Applicant believes that a reference is required to support such a rejection.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,732 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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